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FM AMCONSUL MELBOURNE  
TO RUEHC/SECSTATE WASHDC 4869  
INFO RHEHAAA/WHITE HOUSE WASHINGTON DC  
RHEHAAA/NSC WASHDC  
RUEAIIA/CIA WASHDC  
RUEKDIA/DIA WASHINGTON DC  
RUEWMFD/JOINT STAFF WASHINGTON DC  
RUEHBY/AMEMBASSY CANBERRA 3541  
RUEHWL/AMEMBASSY WELLINGTON 0108  
RUEHDN/AMCONSUL SYDNEY 2058  
RUEHPT/AMCONSUL PERTH 1519

UNCLAS MELBOURNE 000018

SENSITIVE

SIPDIS

E.O. 12958: N/A

TAGS: [PTER](#) [PGOV](#) [KVPR](#) [AS](#)

SUBJECT: Terror Trial: Benbrika Faces 15 Years in Jail

REF: A) 07 Melbourne 177, B) 07 Melbourne 66, C) 07 Canberra 909

Summary

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¶1. (SBU) Abdul Nacer Benbrika and six accomplices convicted of terror related charges in September were sentenced on February 3 to jail terms ranging from six to 15 years. Public reaction to the sentencing has been negligible, with many Muslim communities seeking to distance themselves from Benbrika's philosophy. The trial continues to be well received by Australians, though many agree that the still new terror legislation likely faces future refinement.  
End Summary.

Sentencing

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¶2. (SBU) Contacts at the Australian Federal Police (AFP) confirmed on February 3 the following sentences for convicted terror cell leader Abdul Nacer Benbrika and his six accomplices:

- Abdul Nacer Benbrika: 15 years (12 years without parole)
- Aimen Joud: 8 years (7.5 years without parole)
- Ahmed Raad: 8 years (7.5 years without parole)
- Fadl Sayadi: 8 years (6 years without parole)
- Ezzit Raad: 6 years (5 years, 9 months without parole)
- Abdullah Merhi: 6 years (4.5 years without parole)
- Amer Haddara: 6 years (4.5 years without parole)

¶3. (U) The seven men were found guilty in September 2008 of a variety of offenses under Australia's new terror legislation including leading (Benbrika) and providing resources to a terrorist organization (reftels). Four other alleged accomplices were acquitted and the jury was unable to reach a verdict on a twelfth man, Shane Kent. Izzydeen Atik, another accomplice, pleaded guilty before the trial began, but Justice Bernard Bongiorno said on February 3 that he did not accept Atik's evidence which alleged that Benbrika confided plans to bomb Melbourne's cricket ground in 2005 and the Crown Casino in 2006. Benbrika, Kent and three of the other convicted men face further charges in a new trial set to commence early this year.

All Quiet

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¶4. (SBU) Victoria Police and AFP contacts say that the reaction to the February 3 sentencing has been negligible. According to officers engaged in policing within Melbourne's Muslim communities, most have been anxious to distance themselves from Benbrika and have been somewhat concerned that the trial may cast a negative light on Muslims. Melbourne is home to at least one controversial cleric

named Samir Mohtadi (AKA Abu Hamza) who reportedly condoned violence and rape within marriage during a sermon in Sydney in September 2002. Prime Minister Kevin Rudd demanded immediate repudiation of these comments on January 22, 2009 stating that "under no circumstances is sexual violence permissible or acceptable in Australia."

Comment

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15. (SBU) The verdict and sentencing of Australia's first full test run of its new terror legislation has generally been well received by Australians. Justice Bongiorno addressed anecdotal evidence of grumbling over freedom of speech during the sentencing by stating: "the absence of an imminent, let alone an actual, terrorist attack does not mean that punishment is not warranted in this case." Contacts involved in both the investigation and prosecution of the case note that Australia's terror laws are purposefully vague, but agree that future refinement is likely.

THURSTON